

"National Traffic and Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on April 22, 1997, in the **Federal Register** (62 FR 19651). This notice grants the application.

In FMVSS No. 119, paragraph S6.5(d) specifies that tires be marked on each sidewall with the maximum load rating and corresponding inflation pressure of the tire, and paragraph S6.5(j) specifies that each tire be marked with the letter designating the tire load range.

During the forty-seventh and forty-eighth production weeks of 1996, Cooper manufactured 553 tires with the incorrect load and inflation label on the serial side. The tires were the Dean Wildcat Radial (LT 235/85R16, tubeless, outline white letters, and 10 ply rating). The incorrect label reads "Load Range D Max at 65 PSI." The correct information should have been "Load Range E Max at 80 PSI."

Cooper supported its application for inconsequential noncompliance with the following information:

The mislabeling on each tire does not present a safety-related defect. The involved tires are designed to carry a heavier load (load range E at 80 PSI) than the incorrect labeling specified (load range D at 65 PSI). Consequently, any misapplication of the tire would be for the user to carry a lighter load than the maximum load for which the tires are designed.

The involved tires have the correct load and inflation information on the non-serial side which is the side with the outline white letters. In addition, each tire had a paper tread label affixed to it reflecting the correct load information.

The involved tires produced from this mold during the production periods comply with all other requirements of 49 CFR 571.

The incorrect load range and inflation information is within the design parameters of the tire and would not result in any overloading or overinflation of the involved tires.

The forty-eight (48) tires remaining in Cooper's inventory will be re-stamped with the correct load and inflation information.

NHTSA received no comments on this application during the 30-day comment period.

The primary safety purpose of requiring the load range label on a motor vehicle tire is to ensure that the end-users can select a tire appropriate for their vehicles. The absence of the vehicle label specifying the tire range load would likely result in an improper tire selection by the tire dealer or vehicle owner. In this case, Cooper understated the load carrying capability of the tire. Similarly, the labeled

maximum inflation pressure of 65 PSI is lower than the tire's designed maximum inflation pressure of 80 PSI. Cooper, in effect, produced a better tire than the label would indicate to the end-user. The agency agrees with Cooper's rationale that a vehicle equipped with the subject tires and loaded per the incorrect maximum load rating would not cause an unsafe condition, because the end-user would carry a lighter load than the load for which the tires are designed.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 21, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Hogan & Hartson on behalf of Canadian Pacific Railway (WB471-2-7/7/97), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 565-1542.

Vernon A. Williams,

Secretary.

[FR Doc. 97-22811 Filed 8-26-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33441]

Paducah & Louisville Railway— Trackage Rights Exemption—CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Paducah & Louisville Railway (P&L) between the P&L/CSXT connection at Madisonville, KY, at or near milepost OOH 275, and the Diamond J Mine located on CSXT's Morganfield Branch, at or near milepost MB 294.1, including access to the Western Kentucky Railroad connection at Providence, KY, at or near milepost MB-291.8, for a total distance of approximately 18.8 miles in Hopkins and Webster Counties, KY.

The transaction is scheduled to be consummated on August 25, 1997.

The purpose of the trackage rights is to allow P&L to handle movements of coal from the Diamond J Mine and from the Pyro, Kentucky Mine to the BRT Terminal, at Jessup, KY, for blending and for barge movement beyond to the Tennessee Valley Authority water destinations, and to handle empties via the reverse route under contract PAL-C-0764.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33441, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on (1) J. Thomas Garrett, Esq., Paducah & Louisville Railway, 1500 Kentucky Avenue, Paducah, KY 42003, and (2) Fred R. Birkholz, Esq., CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

Decided: August 20, 1997.